

# MINUTES OF THE MEETING OF THE BOARD OF NURSING

November 10, 2005

## Call to Order

Marcy Echternacht, President, called the meeting of the Nebraska Board of Nursing to order at 8:34 a.m. on November 10, 2005, at the Georgetowne Club, Omaha, Nebraska. Copies of the agenda were sent to Board members and other interested persons, and posted.

## Roll Call

The following members were present:

Marcy Echternacht, RN, President  
Mary Megel, RN, Vice-President  
Jacqueline Ross, RN, Secretary  
Mary Bunger, RN  
Joyce Bunger, public member  
Sandra Mann, public member  
Iris Winkelhake, RN  
Deanna Lloyd, LPN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Charlene Kelly, RN, Executive Director; Sheila Exstrom, RN, Nursing Education Consultant; Karen Bowen, RN, Nursing Practice Consultant. Present from the Attorney General's office was Terri Nutzman, Assistant Attorney General. Also present was Alison Clevette and Pam List. Alison is a graduate student at Clarkson College. She is preceptoring with Charlene Kelly this semester. Pam List is the APRN on the Board of Health.

## Review of Agenda

The board reviewed the agenda.

1. M. Bunger made the motion seconded by Megel **that the board adopt the agenda as revised.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

## **Review of the Consent Agenda**

The board reviewed the consent agenda. It was noted that the October 20th Practice Committee minutes were not distributed and their approval should be deleted from the consent agenda.

2. Winkelhake made the motion seconded by Mann **that the board adopt the consent agenda as amended and approve the following:**

- D.1. October 20, 2005 Board of Nursing meeting minutes**
- D.2. October 20, 2005 Education Committee meeting minutes**
- D.4. October 27, 2005 Board Conference Call minutes**
- 4.4 Disciplinary actions/dismissals since last meeting**
- 4.5 Probation monitoring update**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried

## **Discussion on Board Member Appointments**

Pam List, RN, APRN, member of the Board of Health (BOH) was present to seek guidance from the board regarding the BOH appointments to the Board of Nursing. She explained the difficulty the BOH has making appointments due to the specific requirements for membership in the nursing statutes. There is currently at least one qualified applicant for each position open on the board, but the constraints do not allow the BOH the latitude they would like to make choices. Board members expressed concern regarding the recent open comments made by nurses at nursing organization meetings regarding the BOH interview process. Comments included interviewees opinion that criteria for appointment include things other than what is included in the nursing statutes. One example was that applicants were asked about pending legislation. Such knowledge is not a statutory requirement for membership. Additional comments related to an applicant's perception that membership in the Nebraska Nurses Association is required for membership on the board. Memberships in other nursing organizations appeared to be viewed as less desirable. Some applicants have expressed the opinion that interviewing with the BOH was an intimidating and negative experience and these applicants have discouraged others from applying. Board members suggested that questions for applicants should focus on the public protection role of the board members. All persons who apply should be sent a letter of closure if they are not selected for appointment. It was also suggested that all committee members should participate in asking the interview questions. List commented that there are not criteria beyond those in the statutes, but that the BOH asks questions to try to select the best applicants. She will share the board's concerns with members of the BOH. List asked the board if they would prefer that the BOH make appointments based on the current applicants, provided the applicants meet statutory requirements, or if the board would prefer delaying appointments to seek

additional applications. The board stated their preference that vacancies be filled in a timely manner.

9:30 a.m. the board recessed.

10:00 a.m. the board reconvened.

An attempt was made to connect with investigators by phone. The equipment was not functioning properly so a decision was made to reorder the agenda and continue with open-session items.

### **Communication/participation with nursing organizations/groups**

#### ***LGNNO***

The Board of Nursing's involvement with this organization was discussed. It was suggested that the winter and spring meetings when legislation is on the agenda are the most important for attendance by a representative from the Board of Nursing. The other meetings should be attended if a representative is available. It was decided to determine on a meeting by meeting basis who the board representatives will be for each meeting. Kelly will contact LGNNO to get the meeting schedule for 2006.

#### ***Nebraska Nursing Leadership Coalition (NNLC)***

The first annual issues forum was held the morning of November 8, 2006 with approximately 45 persons in attendance. The topic of the forum was the Clinical Nurse Leader. Overall participants seemed to be interested in the topic. Evaluations have not yet been compiled. The Forum was deemed a success considering it was the first attempt at such an event.

The Nursing Leadership Coalition held their annual business meeting the afternoon of November 8, 2006. Progress on goals for the organization were reviewed and discussed. Exstrom and Winkelhake have been the board's representatives to the Coalition's Coordinating Committee. A replacement needs to be appointed for Winkelhake whose term on the board ends next month. It was decided to wait until new board appointments are made before designating a representative. The board thanked Winkelhake and Exstrom for their service on the Coordinating Committee.

#### ***Nebraska Assembly of Deans and Directors***

The Deans and Directors met on November 7, 2006 at Creighton University. Exstrom reported on the meeting. She asked them to remind faculty that letters of reference written for graduates who have convictions should address their character as it relates to the conviction. We do not need an evaluation of their classroom and clinical performance. She also reminded the deans and directors that if a graduate has criminal convictions, an investigation may be conducted by the Investigations Division in the department. This investigation will result in a delay in the licensing decision. The deans and directors appointed two workgroups: one to

study the gap between number of admissions and number of graduates and one to pursue the development of a student passport to facilitate student movement between clinical facilities. Senator Marian Price attended the meeting and gave an update on her plans to pursue funding for the Faculty Student Loan Act. She also gave an overview of upcoming legislation.

### **Report on recent publications, consultation and speaking**

Staff and board members reported on recent meetings attended and speaking engagements. Kelly reported that she gave a presentation on nursing statutes and regulation to the students at UNMC Omaha and Lincoln campuses. She also gave the Board of Nursing and Center for Nursing updates at the NNA Convention. Winkelhake presented to Southeast Community College students who have just begun the program. Exstrom has done student presentations and Echternacht presented at Sigma Theta Tau.

### **Update on the Nebraska Center for Nursing**

Kelly reported that the Center for Nursing worked on revising and refining their goals for the upcoming five years. The four goals of recruitment, retention, increased capacity and sustainability were retained. New strategies were developed for each of the goals. Approval was received to hire a staff assistant for the Center. The department will also contract with a research assistant to help with data analysis, report writing and grant applications. The Center board is also contracting with a public relations specialist to help develop ongoing relationships with the media and stakeholders.

10:45 a.m. the meeting recessed.

11:00 a.m. the meeting reconvened. Ruth Schuldt, compliance monitor and Marletta Stark, Peggy Persell, Sharon Fitz and Michael Grutsch from the Investigations Division were present via telephone

3. Lloyd made the motion seconded by Megel **that the board go into closed session for the purpose of reviewing investigation reports.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

11:45 a.m. the meeting recessed.

11:55 a.m. the meeting reconvened

12:17 p.m. the board came out of closed session. The persons participating by telephone left the meeting.

Based on the discussions held in closed session the following motions were made:

***Lucia Brown***

4. Winkelhake made the motion seconded by Lloyd **that the board issue Lucia Brown an unrestricted LPN license.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

***Janet Donohoe***

5. J. Bunger made the motion seconded by Mann **that the board issue Janet Donohoe an unrestricted LPN license.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

***Consuelo McDaniel***

6. J. Bunger made the motion seconded by Megel **that the board issue Consuelo McDaniel a probationary license for the duration of her court-ordered probation. The terms of probation will include abstain from alcohol, abstain from controlled substances, verification from treating practitioner of all prescription medications, submit to random body fluid screens, comply with treatment recommendations, active practice of a minimum of 130 hrs/quarter and comply with the terms of her court-ordered probation.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

***Joquana Walker***

7. Winkelhake made the motion seconded by Lloyd **that the board deny Joquana Walker's application for an LPN license based on dishonorable conduct as evidenced by prior convictions and her questionable veracity.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

***Lisa Guffey***

8. Megel made the motion seconded by M. Bunger **that the board notify Lisa Guffey of their intent to reinstate her RN license on probation for five years. Terms of probation will include abstain from alcohol, abstain from controlled substances, verification from treating practitioner of all prescription medications, reports all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, advise department of a ny professional counseling and submit reports, participate in three NA/AA/ or other support group meetings, work under direct RN supervision for one year, work under indirect RN supervisions for the following year, have no access to controlled substances in the course of employment for one year and access to controlled substances only under supervision for the following year, active practice of a minimum of 130 hrs/quarter ,obtain a sponsor who is not a family member and all of the usual terms and conditions of probation.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

***Laci Brabec***

9. M. Bunger made the motion seconded by Lloyd **that the board deny Laci Brabec's application for licensure as an LPN based on dishonorable conduct as evidenced by prior convictions and her questionable veracity.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried.

***Juanita Fisher***

10. J. Bunger made the motion seconded by M. Bunger **that the board issue an unrestricted LPN license to Juanita Fisher.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried

**Report of the Education Committee**

The Education Committee has received requests for review and approval of several curricular changes from nursing education programs. These requests were reviewed in detail at the last meeting of the Education Committee. Based on that review the Education Committee made the following recommendations:

***Bryan LGH BSN Program***

11. The education committee made the motion **that the board approve the eight elective courses (NU 441, 442, 443, 444, 445, 446, 447, and 449) as submitted from the BryanLGH College BSN program.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried

#### ***Western Nebraska Community College LPN Program***

12. The education committee made the motion **that the board approve the report of the site visit to Western Nebraska Community College and grant continuing approval with the following recommendations: 1) that the college develop a method of faculty peer review of teaching effectiveness; and 2) that the college maintain official college transcripts in the faculty records.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Lloyd and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer and Fredericksen. Motion carried

12:30 p.m. the board recessed briefly and then the meeting reconvened over lunch.

#### **Financial Report**

The board reviewed the September 30, 2005 budget status report.

#### **Regulations Update**

Exstrom reported that the proposed revisions to Title 172 NAC Chapter 97 Regulations Governing Nursing Programs in Nebraska still have not been signed by the governor. He is waiting for any further communication from the individuals who originally expressed concern regarding faculty qualifications proposed in the regulations.

#### **National Council of State Boards of Nursing**

Bowen reported that the topic of the last policy call was criminal background checks

Exstrom reported that the Examination Committee has sent the revised RN Test Plan to the Board of Directors for approval and distribution to members boards for comment. The issue of a second language examination is under consideration as is the identification of additional testing sites in foreign countries.

Echternacht reported that the Practice, Regulation and Education Committee is planning an invitational forum in January in Chicago.

Kelly reported that the Resolutions Committee held a conference call to review their charge for the year and set out plans for receiving and discussing resolutions. The Bylaws Committee met to begin work on revisions to the bylaws based on the recommendations of the Governance and Leadership Task Force.

Bowen reported that the TERCAP Committee is refining the inter-rater reliability for the TERCAP tool. Pat Benner, a member of the committee will have another article on TERCAP out soon. The book that the committee wrote will also be out soon. Lloyd reported that the Continued Competence Committee is working on the post-entry level competency survey to evaluate RN competency in various areas.

### **Next Meeting**

The next meeting is scheduled for December 8, 2005 in Lincoln.

### **Adjournment**

The meeting adjourned at 2:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jacqueline Ross".

Jacqueline Ross, Secretary